

REMARKS

Status of the Claims

The pending Office Action addresses and rejects claims 1-6, 8, 10-18, and 27-55. Reconsideration is respectfully requested based on the remarks herein.

Applicant thanks the Examiner for extending the courtesy of a telephone interview to Applicant's representatives Lisa Adams and Christina Sperry on April 28, 2009.

Amendments to the Claims

Independent claim 1 is amended to recite that the pathways have central axes that are substantially parallel to at least a portion of a front surface of the distal portion of the elongate member. Independent claim 31 is amended to recite that the at least one pathway has a central axis that extends in a proximal-distal direction. Independent claim 37 is amended to recite a cross member removably *and reattachably* connected to the first and second tissue retractor and guide devices. Dependent claim 39 is amended to correct a typographical error. Independent claim 40 is amended to recite that the first and second pathways *have central axes that* extend substantially parallel to at least a portion of the distal, tissue-retracting portion of the elongate member. Support for these amendments can be found throughout the specification and drawings, for example in Figures 5A and 5B. No new matter is added.

Rejections of the Claims

Claims 1-6, 8, 10-18, 27, 28, 31-36, and 40-55 are rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,558,622 of Greenberg ("Greenberg"). Claims 29, 30, and 37-39 are rejected pursuant to 35 U.S.C. §103(a) as being obvious over Greenberg.

During the interview, the rejection of independent claims 1, 31, 37, and 40 was discussed. Agreement was reached that the claims as amended by this paper distinguish over the cited art because Greenberg does not teach or suggest that the pathways have central axes that are substantially parallel to at least a portion of a front surface of the distal portion of the elongate member as recited in claim 1, that the at least one pathway has a central axis that extends in a proximal-distal direction as recited in claim 31, a cross member removably and reattachably connected to the first and second tissue retractor and guide devices as recited in claim 37, or that the first and second pathways have central axes that extend

substantially parallel to at least a portion of the distal, tissue-retracting portion of the elongate member as recited in claim 40. Accordingly, independent claims 1, 31, 37, and 40, as well as claims 2-6, 8, 10-18, 27-30, 32-36, 38, 39, and 41-55 which variously depend therefrom, distinguish over Greenberg and represent allowable subject matter.

Conclusion

Accordingly, all claims are now in condition for allowance, and allowance thereof is respectfully requested. Applicants' amendment of the claims does not constitute a concession that the claims are not allowable in their unamended form. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

No extension of time is believed to be due with this filing. In the event that a petition for an extension of time is required to be submitted at this time, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to ensure that the above-identified application does not become abandoned.

All fees due are believed to be paid. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-234.

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Respectfully submitted,

By: /Christina M. Sperry/
Christina M. Sperry
Registration No.: 47,106
NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2394
(617) 310-9394 (Fax)
Attorney for Applicant